

Notice of Allowability	Application No.	Applicant(s)	
	09/906,997	ABBOTT ET AL.	
	Examiner Tadesse Hailu	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the AMENDMENT filed on December 15, 2005.
2. The allowed claim(s) is/are 134-234.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 5/3/05
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

1. This Office Action is in response to the AMENDMENT filed on December 15, 2005 for the application number 09/906,997.
2. The pending claims 134-234 are allowed.
3. The following is an examiner's statement of reasons for allowance: Burkey et al (US Pat No 6,446,076) discloses a computer-implemented method for defining a persona (theme) (Fig. 12) for use by a computing device in presenting information that is appropriate to a contextual situation represented by the theme (column 30, lines 52-67).

Burkey, however, neither renders obvious nor anticipates the combination of claimed elements because Burkey fails to teach all the elements recited in applicant's claims. Applicant's claims recites "a method for assisting a user of a wearable computing device in creating a theme for user in presenting information to the user, The preamble further includes elements which breaths life into the claims. The method recites, a plurality of steps including among other steps "determining that one of the multiple previously created themes models the current contextual situation such that each of the context attributes specified for that one theme has a current value indicated in the received current context information that matches one of the specified possible values associated with that context attribute." as recited in independent claim 134. Burkey further fails to teach "defining a theme based on the received indications that can be used by the computing device to

present the appropriate information when context information for a contextual situation includes values for the indicated context attributes that are automatically determined by the indicated criteria to match the represented contextual situation” as claimed in independent claim 152. The remaining independent claims, a computer readable medium claim 192, a computing device claim 195, a computer system claim 198 and a method claim 199, while not necessarily identical in scope, contain limitations substantially similar to independent claim 152 and therefore are allowed under the same rationale.

Thus, prior art of record neither renders obvious nor anticipates the combination of claimed elements as specified in claims 134-234.

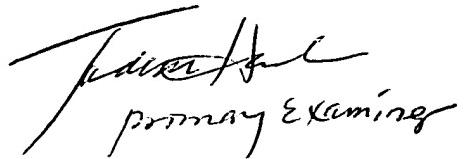
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

CONCLUSION

. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 272-4051. The Examiner can normally be reached on M-F from 10:30 – 7:00 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner’s supervisor, John Cabeca, can be reached at (571) 272-4048 Art Unit 2173.

9. An inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Examiner Tadesse Hailu
Art Unit 2173 – Operator Interface
2/27/06



A handwritten signature in black ink, appearing to read "Tadesse Hailu". Below the signature, the word "Primary Examiner" is written in a smaller, cursive font.